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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Art Unit 2682

Eric Harold Henrikson, et al.

Examiner Minh D. Dao.

Serial No.: 09/877,815

Filed: June 8, 2001

For: REPLENISHMENT OF PREPAID ACCOUNTS
DURING MULTIMEDIA SESSIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 11, 2005.

Reginald J. Hill

Name of applicant, assignee, or Registered Rep.

Signature

May 11, 2005
Date

LETTER SUBMITTING REPLY BRIEF

Enclosed is the Reply Brief (in triplicate) of Applicant Eric Harold Henrikson, et al., for the above-captioned patent application. Please charge any fees to deposit account 10-0460.

Respectfully submitted,

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May 11, 2005

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REPLY BRIEF

The Appellant hereby submits a reply brief responding to the Examiner's Answer mailed March 11, 2005.

I. MCCONNELL FAILS TO DISCLOSE THE USE OF TWO INDEPENDENT COMMUNICATIONS SESSIONS DURING PREPAID REPLENISHMENT

As set forth in the Appeal Brief mailed December 30, 2004, McConnell (U.S. Patent No. 6,373,930) fails to disclose certain limitations in the independent claims of the pending application. More specifically, McConnell fails to disclose using an independent interactive session for replenishment of a prepaid account, while communications are maintained for a first communications session using the prepaid account, as recited in independent claims 1 and 8. See, Appeal Brief at pp. 4-5. In other words, the independent claims require at least two communications sessions, one for replenishing the prepaid account and another session, *i.e.*, the call, using the prepaid account. In addition, these two communications sessions are required by

the claims to be independent of one another, that is, the two sessions are not the same call. See, Specification, p. 7, line 25 - page 8, line 18.

In the Examiner's Answer, the Examiner asserts that McConnell does disclose using an independent interactive session for replenishment of a prepaid account, while communications are maintained for a first communications session using the prepaid account. In support of this position the Examiner cites to and relies upon two passages in McConnell. Those two passages are reproduced in their entirety below.

In another alternative scenario, it is possible that the SCP may determine that the account balance has dropped to a threshold low level during the call or has been depleted, as shown at step 336. In that event, at step 338, the SCP may send a message to the IP instructing the IP to interject a message into the call, to collect credit card payment for increased balance, to terminate the call or to take any other desired action. This message may be a CallInfoToResource message, for instance. At step 340, the IP acknowledges the request by sending a message, such as a CallInfoFromResource message, to the SCP and prepares to take the action requested.

McConnell, col. 21, lines 29-41.

In an exemplary embodiment, the inbound looparound port at MSC 110 can be a conference bridge. In that case, the IP can send an IAM message to MSC directing the MSC to add the IP to the call without disconnecting the called party. The IP may then play an announcement to the subscriber and collect additional prepayment. Once the IP completes its tasks, the IP may then send a REL message to the MSC, directing the MSC to release the IP from the conference call, and allowing the call to proceed.

McConnell, col. 21, line 65 - col. 22, line 6.

It is readily apparent from the cited text from McConnell, and even the Examiners paraphrase of this text in the Examiner's answer, that McConnell is not referring to two independent sessions, as claimed. More specifically, the options provided by McConnell for prepaid replenishment are accomplished in the one call that is using the prepaid account. For example, McConnell discloses interjecting a message into the call, adding the Intelligent

Peripheral (IP) to the call, playing an announcement on the call, collecting additional prepayment (credit card) on the conference bridge, releasing the IP from the conference call, and allowing the call to proceed. Nowhere does McConnell suggest or disclose using two independent communications sessions, one for the prepaid call and the other for replenishing the prepaid account. In addition, McConnell does not disclose that communications continue on one session, *e.g.*, call, while replenishment takes place in another session. Therefore, the rejection under Section 102(e) is not proper and the application should be passed to allowance.

Respectfully submitted,



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